

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

STATESBORO ERECTORS, INC.,

Plaintiff,

v.

AUTO-OWNERS INSURANCE  
COMPANY and OWNERS  
INSURANCE COMPANY,

Defendants.

Civil Action File No. \_\_\_\_\_

**NOTICE OF REMOVAL**

COME NOW AUTO-OWNERS INSURANCE COMPANY and OWNERS INSURANCE COMPANY, Defendants in the above-styled action, and within the time prescribed by law, file this Notice of Removal and respectfully shows this Honorable Court the following:

1.

Plaintiff Statesboro Erectors, Inc. has filed suit against Defendants Auto-Owners Insurance Company and Owners Insurance Company (collectively referred to as the “Insurers”) in the State Court of Gwinnett County, Georgia, which is in the Atlanta Division of the Northern District of Georgia. The suit is styled as above and numbered Civil Action File No. 23-C-002926 in that court. This suit is for a

sum in excess of \$75,000.00, or the object of this suit exceeds said sum, exclusive of interest and costs.

2.

Plaintiff Statesboro Erectors, Inc. is a domestic profit corporation organized and existing under the laws of the state of Georgia, with its principal place of business in Georgia.

3.

Defendant Auto-Owners Insurance Company (“Auto-Owners”) is a corporation organized and existing under the laws of the state of Michigan with its principal place of business in the state of Michigan, is a citizen of the state of Michigan, and was a citizen of the state of Michigan on the date of the filing of the aforesaid civil action and has been thereafter. Auto-Owners is not a citizen of the state of Georgia and was not a citizen of the state of Georgia on the date of the filing of the aforesaid civil action and has not been thereafter.

4.

Defendant Owners Insurance Company (“Owners”) is a corporation organized and existing under the laws of the state of Ohio with its principal place of business in the state of Michigan, is a citizen of the state of Michigan, and was a citizen of the state of Michigan on the date of the filing of the aforesaid civil action

and has been thereafter. Owners is not a citizen of the state of Georgia and was not a citizen of the state of Georgia on the date of the filing of the aforesaid civil action and has not been thereafter.

5.

The amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs. In its complaint, Plaintiff seeks recovery of \$456,874.00 and bad faith penalties under an insurance policy allegedly issued by Owners based on a prior settlement agreement entered into with King Steel, Inc. See Complaint, ¶¶ 43, 47, 55.

6.

The aforementioned suit is a civil action over which this Court has original jurisdiction under the provisions of Title 28 of the United States Code, § 1332, and, accordingly, is one which may be removed to this Court by Defendants pursuant to the provisions of Title 28 of the United States Code, § 1441, in that it is a civil action in which the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, and is between citizens of different states. Accordingly, removal to this Court is proper.

7.

Defendants show that suit was instituted on April 28, 2023 in the State Court of Gwinnett County, where Defendants maintain a registered agent, and Defendants were served with the summons and complaint on May 16, 2023. Defendants further show that this Notice of Removal is filed within thirty (30) days of the date of service upon Defendants.

8.

Defendants have attached hereto copies of all process, pleadings, and orders served upon it in this case, such copies being marked collectively as Exhibit A.

9.

Defendants have given written notice of the filing of this Notice of Removal to Plaintiff, a copy of said Notice of Filing Removal is attached hereto as Exhibit “B”. Defendants have filed a written notice with the Clerk of the State Court of Gwinnett County, State of Georgia, a copy of said notice being attached hereto as Exhibit “C” and made part hereof.

**WHEREFORE**, Defendants pray that this case be removed to the United States District Court for the Northern District of Georgia, Atlanta Division.

This 14<sup>th</sup> day of June, 2023.

Respectfully submitted,

KENDALL | MANDELL, LLC

/s/ Michael C. Kendall

Michael C. Kendall

Georgia Bar No. 414030

*Counsel for Defendants*

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served or caused to be served a copy of the within and foregoing **NOTICE OF REMOVAL** in this matter by electronically filing the same with the Court via the CM/ECF system, and U.S. Mail, postage prepaid to the following counsel of record:

Wesley C. Taulbee, Esq.  
CLAY TAULBEE & MYERS, LLC  
201 S. Main Street, Suite C  
Statesboro, Georgia 30458

This 14th day of June, 2023.

/s/ Michael C. Kendall

Michael C. Kendall